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TO: Examiner Christopher R Magee		FROM: Justin M. Dillon, Reg. No. 42,486
ORGANIZATION: US Patent and Trademark Office		DATE: June 28, 2005
ART UNIT: 2653	CONFIRMATION NO.: 2182	TOTAL NO. OF PAGES INCLUDING COVER: 3
FAX NUMBER: 703-872-9306		APPLICATION SERIAL NO: 09/898,886
ENCLOSED: Declaration		ATTORNEY DOCKET NO: TUC920010067US1

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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In re Application of:

ROBERT GEORGE EMBERTY

Serial No.: 09/898,886

Filed: July 3, 2001

For: **AUTOMATED HANDLING AND
INTERFACE MECHANISM FOR
LIBRARY OF DISK DRIVE
CARRIERS**

Atty. Docket No.: TUC920010067US1

Examiner: **CHRISTOPHER R. MAGEE**

Art Unit: 2653

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DECLARATION UNDER 37 C.F.R. § 1.131Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

On personal information and belief, I hereby declare the following in response to the Examiner's provisional obviousness rejection under 35 U.S.C. §103(a) of Applicants' currently claimed invention embodiments in view of *Albrecht et al.*, United States Patent Number 6,826,004, hereinafter, "*Albrecht*".

1. The subject matter of *Albrecht* qualifies as prior art with respect to Applicants' currently claimed invention embodiments, if at all, only under one or more of 35 U.S.C. §102 (e), (f), or (g) and
2. The subject matter of *Albrecht* and of Applicant's claimed invention embodiments were owned by, or subject to an obligation of assignment to, the same entity at the time of Applicants' invention.


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Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date shown below.

Typed or Printed Name: Jane GrahamDate: June 28, 2005Signature: Jane Graham

Consequently, Applicants hereby submit that the patentability of the above-identified United States Patent Application is not precluded for obviousness as specified in 35 U.S.C. §103(c).

6/28/05
Date


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